



Crl.O.P.(MD)No.19756 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19756 of 2025

and

CRL.MP(MD). Nos.16605, 16606 of 2025

1. Ajitha Agnel

2. Nirmal Singh

3. Yujin

4. Subbiah Kannan

5. Manokaran

6. Pradeep

... Petitioner/ Accused No. 1 to 6

-Vs-

1.State of Tamilnadu Rep by
The Inspector of Police,
Central Police Station,
Thoothukudi,
In Crime No.139/2025.

2.G.Baskaran,
The Inspector of Police,
Central Police Station,
Thoothukudi.

... Respondents / Defacto Complainant



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Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., To call for the records pertaining to the Impugned Final Report in S.T.C.No.1208 of 2025, dated 25.05.2025 on the file of the learned Judicial Magistrate No.II, Thoothukudi and quash the same as illegal so far as the petitioner is concerned.

For Petitioner : Mr.Suthakar.J

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.1208 of 2025, dated 25.05.2025 on the file of the learned Judicial Magistrate No.II, Thoothukudi, which was filed for the offences under Section 189(2), 126(2) of BNS (corresponding to Section 143, 341 of IPC).

2. The allegation in the final report is that the petitioners indulged in a protest without valid permission and caused nuisance and disturbance to the general public, besides causing obstruction to traffic.

3. The learned counsel for the petitioners would submit that the petitioners were exercising his right to assemble peacefully, which could not, by any stretch of imagination, constitute the offences alleged. He would rely



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upon the judgment of this Court in the case of ***Jeevanandham and others vs.***

State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur

District and another, reported in ***2018 SCC OnLine Mad 13698*** in support of his submissions.

4. The learned Additional Public Prosecutor appearing for the respondent, per contra, would submit that the petitioners participated in an unauthorized protest and caused obstruction to traffic, besides causing nuisance and disturbance to the general public; and therefore, the impugned final report is justified.

5. Admittedly, the petitioners participated in a protest. The question is whether such an act would constitute the offences alleged by the prosecution.

6. In the case of ***Jeevanandham***, referred to supra, which related to a protest without valid permission and when the accused had filed quash petition of the final report filed for the offences under Sections 143 and 341 of IPC, this Court had held as follows:

"42. In all the cases, the assembly of persons were expressing dissatisfaction on the governance and claiming for minimum rights that are guaranteed to an ordinary citizen. If such an assembly of persons are to be trifled by registering an FIR



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under Section 143 of IPC and filing a Final Report for the very same offence, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution. A reading of the Final Report also does not make out an offence under Section 341 of IPC since any form of an agitation, will necessarily cause some hindrance to the movement of the general public for sometime. That by itself, does not constitute an offence of a wrongful restraint. "

7. The above observations of this Court would squarely apply to the facts of the instant case. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned finalreport in S.T.C.No.1208 of 2025, dated 25.05.2025 on the file of the learned Judicial Magistrate No.II, Thoothukudi, is liable to be quashed and is accordingly quashed.

8. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

11.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Indu



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To

1. The Inspector of Police,
Central Police Station,
Thoothukudi.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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